

REMARKS

Favorable consideration and allowance of the application are respectfully requested in view of the following remarks.

Claims 1-31 were pending prior to the Office Action. As a result of an election to a restriction requirement, claims 19-30 were withdrawn from consideration. The withdrawn claims along with claims 4, 7, and 14 are canceled in this Reply and claims 32-38 are added. Thus, claims 1-3, 5-6, 8-13, 15-18, and 31-38 are pending. Claims 1, 31 and 37 are independent.

REJECTION UNDER 35 U.S.C. § 103(a) – RAHMAN, SATO

Claims 1-2, 4-9, 13-14 and 31 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rahman et al. (U.S. Patent 5,991,456) in view of Sato (U.S. Patent 6,650,365). *See Office Action, items 1-12.* Regarding to claims 4, 7, and 14, the rejection has been rendered moot. Regarding the remaining claims, Applicants respectfully traverse.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142.* One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. (*See M.P.E.P. 2142;*

M.P.E.P. 706.02(j).) Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, the combination of Rahman and Sato cannot be relied upon to teach or suggest all features as recited in the claims. For example, independent claim 1 recites in part “records an information indicating ... the imaging luminance range along with the image data” and independent claim 31 recites, in part, “records the ... luminance range information relating the recording luminance range.” As will be demonstrated, neither Rahman nor Sato can be relied upon to teach or suggest at least the above-recited feature.

In the Office Action, the Examiner alleged that column 1, lines 31-43 and column 7, lines 9-17 of Rahman discloses the use of an imaging device that records image data that with luminance range wider than an reproducing luminance range.

This is inaccurate. Rahman actually discusses the dynamic ranges of CCD and display terms of number of bits used to represent the available level of resolution. Rahman only compares the dynamic ranges of CCD and display. Rahman does not discuss luminance range at all.

Indeed, Rahman is completely silent regarding whether any information indicating the luminance range itself for the image data is recorded. Sato is

also completely silent regarding this feature. Thus, Sato cannot be relied upon to correct for at least the above-noted deficiency of Rahman.

Since both Rahman and Sato cannot be individually relied upon to teach or suggest the feature of recording information indicating the luminance range of the recorded image data, the combination also cannot be relied upon to teach or suggest the above-recited feature. Therefore, independent claims 1 and 31 are distinguishable over the combination of Rahman and Sato.

Claims 2, 5-6, 8-9, and 13 depend from independent claim 1 directly or indirectly. Therefore, for at least the reasons stated above with respect to independent claim 1, these dependent claims are also distinguishable over the combination of Rahman and Sato.

For at least the reasons stated above, Applicants respectfully request that the rejection of these claims based on Rahman and Sato be withdrawn.

OFFICIAL NOTICE - TRAVERSAL

In rejecting claims 4 and 13, the Examiner relied upon official notices. Regarding claim 4, the Examiner rightly observed that the primary reference – the Rahman patent – fails to disclose the use of a recording device with a linear function. (*See Office Action, Item 4.*) However, the Examiner simply took

official notice that the concept of using a linear function is notoriously well known.

While the rejection has been rendered moot, Applicants traverse the official notice nonetheless. Applicants respectfully request that a proper prior art be cited to support the Examiner's allegation that the concept of using a linear function is notoriously well known and properly demonstrate that the teachings of the prior art, if found, is combinable.

Regarding claim 13, the Examiner again takes official notice that using a filter arrangement of R, G, B, and G is notoriously well known. Again, Applicants traverse and respectfully request that the Examiner provide support for the assertion and explain how it may be combined with Rahman and Sato.

REJECTION UNDER 35 U.S.C. § 103(a) – RAHMAN, SATO, TSAI

Claim 3 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rahman in view of Sato and in further view of Tsai (U.S. Patent 5,309,243). (See Office Action, Items 13 and 14.) Applicants respectfully traverse.

It is noted that claim 3 depends from independent claim 1 and it has been shown above that claim 1 is distinguishable over the combination of Rahman and Sato. Tsai has not been, and indeed cannot be, relied upon to

correct for at least the above-noted defects of Rahman and Sato. Therefore, independent claim 1 is distinguishable over the combination of Rahman, Sato, and Tsai. For at least due to the dependency thereon, claim 3 is also distinguishable over Rahman, Sato, and Tsai.

Applicants respectfully request that the rejection of claim 3 based on Rahman, Sato, and Tsai be withdrawn.

REJECTION UNDER 35 U.S.C. § 103(a) – RAHMAN, SATO, KIM

Claims 10-12 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rahman in view of Sato and in further view of Kim (U.S. Patent 5,710,594). (*See Office Action, Items 15 and 16.*) Applicants respectfully traverse.

It is noted that claims 10-12 depend from independent claim 1 and it has been shown above that claim 1 is distinguishable over the combination of Rahman and Sato. Kim has not been, and indeed cannot be, relied upon to correct for at least the above noted defects of Rahman and Sato. Therefore, independent claim 1 is distinguishable over the combination of Rahman, Sato, and Kim. For at least due to the dependency thereon, claims 10-12 are also distinguishable over Rahman, Sato, and Kim.

Applicants respectfully request that the rejection of claims 10-12 based on Rahman, Sato, and Kim be withdrawn.

REJECTION UNDER 35 U.S.C. § 103(a) – RAHMAN, SATO, LYON

Claim 15 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rahman in view of Sato and in further view of Lyon (U.S. Patent 6,512,858). *(See Office Action, Items 19 and 20.)* Applicants respectfully traverse.

It is noted that claim 15 depends from independent claim 1 and it has been shown above that claim 1 is distinguishable over the combination of Rahman and Sato. Lyon has not been, and indeed cannot be, relied upon to correct for at least the above-noted defects of Rahman and Sato. Therefore, independent claim 1 is distinguishable over the combination of Rahman, Sato, and Lyon. For at least due to the dependency thereon, claim 15 is also distinguishable over Rahman, Sato, and Lyon.

Applicants respectfully request that the rejection of claim 15 based on Rahman, Sato, and Lyon be withdrawn.

REJECTION UNDER 35 U.S.C. § 103(a) – RAHMAN, SATO, LYON, TSAI

Claim 16 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rahman in view of Sato and in further view of Lyon and Tsai. *(See Office Action, Items 21 and 22.)* Applicants respectfully traverse.

It is noted that claim 16 depends from independent claim 1 and it has been shown above that claim 1 is distinguishable over the combination of Rahman, Sato, and Lyon. Tsai has not been, and indeed cannot be, relied upon to correct for at least the above-noted defects of Rahman, Sato, and Lyon. Therefore, independent claim 1 is distinguishable over the combination of Rahman, Sato, Lyon, and Tsai. For at least due to the dependency thereon, claim 16 is also distinguishable over Rahman, Sato, Lyon, and Tsai.

Applicants respectfully request that the rejection of claim 16 based on Rahman, Sato, Lyon, and Tsai be withdrawn.

REJECTION UNDER 35 U.S.C. § 103(a) – RAHMAN, SATO, NAKAGAWA

Claim 17 and 18 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rahman in view of Sato and in further view of Nakagawa et al. (U.S. Patent 6,738,092). *(See Office Action, Items 23-25.)* Applicants respectfully traverse.

It is noted that claims 17 and 18 depend from independent claim 1 and it has been shown above that claim 1 is distinguishable over the combination of Rahman, Sato, and Nakagawa et al. Nakagawa et al. has not been, and indeed cannot be, relied upon to correct for at least the above-noted defects of Rahman and Sato. Therefore, independent claim 1 is distinguishable over the combination of Rahman, Sato, and Nakagawa et al. For at least due to the dependency thereon, claims 17 and 18 are also distinguishable over Rahman, Sato, Lyon, and Nakagawa et al.

Applicants respectfully request that the rejection of claims 17 and 18 based on Rahman, Sato, and Nakagawa et al. be withdrawn.

NEW CLAIMS

Claims 32-38 have been added through this Reply. All new claims are believed to be distinguishable over the cited references, individually or in any combination. Applicants respectfully request that the new claims be allowed.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to

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be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.


Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), the Applicants respectfully petition for a one (1) month extension of time for filing a response in connection with the present application and the required fee of \$120 is being filed concurrently herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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